

DISTRICT ADVISORY BOARD MINUTES

DISTRICT I

July 7, 2003

7:00 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Council Member Brewer
Rickie Coleman*
Gerald Domitrovic
Treatha Brown Foster
Lois Tully-Gerber
Ti'Juana Hardwell*
Lori Lawrence
Debra K. Miller
Debby Moore
Sharon Myers*
Steve Roberts*
Celina Porter Robinson
James Thompson

Members Absent

Lacey Ganther*
Ken Woodard

Guest List

Michele Harrel, 1174 N. Old Manor
Carl Ligon, 1736 NE Parkway
Lori Mitchell, 756 W. 46th St. N.
Ellen Connor, 1117 N. Roosevelt
Tammy Chad, 639 S. Green
Rebecca Johnson, 644 S. Green
Mark Johnson, 644 S. Green
Matt Catanese, 7701 E. Kellogg #820
Diane McCartney, Wichita Eagle
Rene Aaron, Wichita, KS 67208
Bill Ewonis, 222 N. Green
Suzanne Gird, Wichita, KS 67218
Delores Hurley, 3023 Stadium
Jake Lowen, 1157 N. Piatt
Dorothy Nave, 1802 Looman
Tracy Hart, 301 S. Erie
Tim Radtler, 301 S. Erie
Carol Sircoulomb, 918 N. Yale
Michele O'Brien, 922 N. Yale
Rory O'Brien, 922 N. Yale
Sandy Jones, 339 New York
Nedra Roll, 3236 Orchard
Theola Cooper, 1618 New York

Staff Present

Virdena Gilkey, Neighborhood Assistant
Sgt. Alex Robinson, WPD
Mark Stanberry, Housing
Jack Brown, Environmental Health

*Denotes District Advisory Board Alternates

ORDER OF BUSINESS

Call to Order

Council Member Brewer called the meeting to order at 7:05 p.m.

Approval of Minutes

Porter Robinson (Brown Foster) motion to approve DAB I minutes. Motion carried (7-0).

Approval of Agenda

Dorothy Nave asked to be added to the Public Agenda. **Brown Foster (Roberts)** made a motion to approve the agenda as amended. Motion carried unanimously. (7-0)

Public Agenda

1. **Dorothy Nave, 1802 Looman**, informed the board that at the City Council meeting on July 1, 2003, there was a discussion of the proposed Memorandum of Understanding in regards to Economic Development. This proposal would provide for a cooperative effort for a public-private partnership for economic development, including: increasing private sector participation, regional participation and increased funding commitment from its partners. As a result, a steering council of 11 to 15 members is being formed and our area needs representation in the private business sector. Ms. Nave recommended James Arbertha of Power CDC to represent and asked that he be strongly considered.

Board received and filed.

2. Off-agenda items

No items submitted

Staff Reports

3. Police Report

Sgt. Alex Robinson reported the following: 1) the Community Police staff has been given the charge to develop a plan to address kids ages 11 – 18, from the hours of 8:00 p.m. to 2:00 a.m. This will be a pilot program on Tuesdays and Thursdays and the curfew will still be addressed. Activities such as volleyball, basketball, break dancing, and more are being considered as possible activities; 2) Northeast Heights and Ken Mar Neighborhood Associations held scheduled cleanups; 3) There were two domestic violence seminars held in the community, however, the attendance was not as expected; 4) truancy is one of the goals of the Weed and Seed sites; 5) a drive-by task force has been formulated to target violent offenders (SCAT, Probation, DEA, etc.); 6) the community will notice more officers on bike patrol in the mornings, evenings, and late nights; 7) on July 15th the Community Police officers will be shifting positions; 8) Community Policing, City of Wichita staff, WSU Police, and the SAE fraternity met to discuss noise issues in the neighborhood; 9) John Alexander, Matlock Heights Neighborhood Association, has been contacted about a recent shooting at the Mecca Club; and 10) realignment of all four bureaus will take place in August.

Board received and filed.

4. Selection of Representatives to the CSBG Review Committee

Sarah Gilbert, Career Development, explained that in 1999 and 2000, the City Council created the Community Services Block Grant Review Committee to provide input on the annual application for CSBG funds and to review activities funded by that grant. The Review Committee is a twelve-member board, which consists of three parts: four members are appointed to represent the City Council, low-income residents of the quadrants of the City and County elect four members, and four members represent the following community sectors: business, religious organizations, industry, welfare, labor, and education. They meet four times per year at the convenience of the committee. Ms. Gilbert then asked the DAB members for volunteers to serve on the CSBG Review Committee.

(Sarah Gilbert's response in italics)

Debby Moore asked if a person could serve two two-year terms? *Yes, if the person chooses to.* **Lois Tully-Gerber** asked if the board would receive a report from the CSBG committee? *That is a very good idea that we will consider.* **Treatha Brown Foster** asked how would the community vote for their representatives? *Atwater, Evergreen, Colvin, and Stanley Neighborhood City Hall will have ballots available where citizens can vote when they come in for regular business.* **Debby Moore, Sharon Myers, Rickie Coleman, and Steve Roberts** all volunteered to be representatives.

Recommendation: The board accepted the volunteers as representatives.

5. Request for Resolution of Support for Application for Low-Income Housing Tax Credits (Shadyway Plaza)

Mark Stanberry, Housing, explained that the City has received a request from Investment Resources Corporation, Inc. (IRC), for a City Council Resolution of Support for its application for Low-Income Housing Tax Credits in connection with the renovation of the Shadyway Plaza Tower apartments. In 1986, tax credits were developed by the state, and now the State of Kansas requires developers/owners to obtain a Resolution of Support from the local government, when they submit applications for financing through the Low-Income Housing Tax Credit Program. Approximately two years ago, the City Council adopted a new policy that requires the DAB's to review such requests. The Planning Department and the Office of Central Inspection (OCI) are also required to review the project for design appropriateness.

The City's adopted tax credit policy typically requires a set-aside of 20% of the units for market rate tenants. Shadyway Plaza is a residence facility that serves seniors.

Mark Catanese, Investment Resources, further explained that they have roughly 4000 units in the State of Kansas. Shadyway Plaza has 100 units and are under a Section 8 contract. Investment Resources own and is applying for tax credits for major renovation costs, which is close to \$1 million dollars.

(Matt Catanese's response in italics)

Lori Lawrence asked if some of the renovations would include making the units more accessible? *Yes. Specified units will have the cabinets and light switches lowered, roll-in showers, etc. The UBC has new requirements that will be met. The building is all concrete, so the renovations will be done primarily on the first level.* **Lois Tully-Gerber** asked how would the renovations be done, is the building occupied, and is the 550 square feet limited to one person? *Modifications will be done with the tenants in place. They will have full use of the units by the end of the day. As far as the space, the units allow no more than two persons. There are currently no units with more than one person occupying them.* **James Thompson** asked what is the percentage of senior citizens? *100%.* **Treatha Brown Foster** inquired how would the security system be upgraded and are there any reports on crime? *Currently there is a key system on the front and back door. We want to upgrade every couple of years. Adding additional fencing and an upgrade in the pull cord system to alert EMS as well. Our company works closely with the Police, who conduct patrols of the properties in that area.* **Gerald Domitrovic** asked whom do you apply to for the tax credits? *The Kansas Department of Commerce and Housing Tax credits are sold to large companies and they get that deduction. We get money to do the renovations and promise to keep our properties current, while they get the tax credit.*

Carl Ligon, 1736 NE Parkway, asked if the upgrade modifications were due to hindsight and how long has this building been in existence? *No, HUD sets the rent, so there is only a limited amount of funds to work with. With \$1 million dollars worth of renovation, a tax credit is needed. The facility has been there since 1978 – approximately 25 years. It is our intent to add 20 to 25 years of economic life to the facility.*

Brown Foster (Porter Robinson) moved to approve the Resolution of Support for Low-Income Housing Tax Credit applications. Motion carried 8-0.

Recommendation: The board approved the Resolution of Support for Low-Income Housing Tax Credit.

Councilman Brewer (Brown Foster) moved to take a five-minute break due to the absence of the next presenter. Motion carried 8-0.

The board reconvened and **Councilman Brewer (Thompson)** moved to skip to Item 8 – Board Agenda, while the Neighborhood Assistant attempted to contact the presenter. Motion carried 8-0.

Board Agenda

8. Updates, Issues, and Reports

- **Lori Lawrence** announced Plastic Recycling, Saturday, July 19, 2003
- **Steve Roberts** commented that OCI is doing a “heck of a job”. Also, the same abandoned vehicle is on 21st and Woodlawn. Sgt. Alex Robinson remarked that due to the area being private property, the owner has to have the car towed away.
- **Lois Tully-Gerber** commented that the DAB Orientation was wonderful and thanked all involved for presenting a great and condensed program.
- **Treatha Brown Foster** announced the NE Millair NA cleanup and that young adults from Hope Street will assist. She also announced that Hope Street youth would present at their next association meeting on July 19th.
- **Debby Moore** inquired if EMS personnel are required to be accompanied by law enforcement or the fire department to enter a home. Sgt. Alex Robinson responded that if it is a shooting scene or forced entry, then they must be accompanied by law enforcement. The same is true if an elderly person falls. Police must be present in case a death has occurred.
- **Councilman Brewer** announced that the District 1 Coalition Breakfast is the first Saturday of each month, 8:00 a.m. – 10:00 a.m. at Cisro’s Restaurant, 21st and Oliver. On August 2nd, Dr. Donald Biggs, WSU President, will be the guest speaker.

The board received and filed.

6. Modifications to the Animal Control Code – Tethering

Jack Brown, Environmental Health, presented the proposed code changes to the anti-tethering ordinance. Mr. Brown explained that the tethering law has new language that prohibits the tethering of animals for longer than one hour and prohibits the use of heavy chains. Local and national pet behavior experts agree that tethering dogs for extended periods of time contributes to aggressive behavior and the propensity for the animal to bite, and constitutes inhumane treatment. This new language is a consequence of training for dog fighting.

(Jack Brown's responses in italics)

Steve Roberts asked how the idea of the one-hour time limit came about? *One hour is easier to enforce. There are similar ordinances used in other communities that range from one hour to eight hours.* **Treatha Brown Foster** asked what is the required length of the chain? *10 feet is the length.* **James Thompson** asked for further explanation on the one-hour time limit and how that would be easier to enforce. *Once a complaint is received and tethering is observed, the inspector will patrol and make frequent stops to ensure the one-hour limit is enforced.* **Gerald Domitrovic** asked if this applies to any tethering or just the tethering with heavy chains? *This applies to any tethering, which will be monitored through complaints and observations. Tethering is considered inhumane and certain actions can be taken at this time without this ordinance, such as, noted cruelty to animals or the observed choking of an animal.*

Ellen Connor, Animal Rescue Unit President, stated that she applauds the Environmental Health Department for their stance on this issue. She added that the most common cases of abuse are dogs left on chains and neglected, which also puts the dogs in harms way by increasing the potential of attacks from other animals without a means of escape. Ms. Connor showed numerous pictures of tethered dogs that were taken in various districts. She reported that 95% of the dog breeds in District 1 were pit bulls; District 6 had rottweilers and pit bulls, and District 4 were predominantly shepherds, chows, and labs.

There were numerous citizens that spoke on this issue and the following comments and questions were made: 1) numerous pit bull incidents biting humans and killing other dogs were reported; 2) numerous cruelty to animals incidents were reported; 3) a comment was made that tethering is mostly found in depressed neighborhoods; 4) Environmental Health was applauded for their efforts to protect animals; 5) consensus that this ordinance change will prohibit dogs from being used for fighting; and 6) tethering is not limited to depressed areas, but is in all neighborhoods across the board.

Tully-Gerber asked how would the time limit be enforced and what happens to repeat offenders who are willing to just pay the fine? *The judge determines the dollar amount of the fines, but it is usually not more than \$500. After the citation is issued, the person could ask for a continuance. Prosecutors tell the judge when multiple offenses have occurred.* **James Thompson** asked is there a minimum standard on how dogs will be housed? *Animal Control personnel have information on how to keep dogs safe through an educational program.* **Gerald Domitrovic** asked if the purpose of this law is to encourage people to get rid of their dogs? *Not for me. Tethering animals is inhumane treatment, which is addressed in the ordinance.*

The discussion continued at length with various other comments from citizens and board members.

James Thompson (Porter Robinson) moved to approve the changes to the City Code prohibiting continuous tethering of dogs.

Discussion:

Treatha Brown Foster commented that she would like to add to the motion that all dogs be removed from the premises if a violation occurs at that resident. Ms. Foster stated that when an abused child is taken from a home, all of the siblings are taken as well. She believed this same principle should be applied when one dog resides with multiple dogs and attacks someone. **Steve Roberts** commented that he has a problem with the one-hour time limit.

Substitute motion:

Treatha Brown Foster (Porter Robinson) moved to approve the changes to the City Code with the addition that all dogs will be removed from the premises if a violation occurs at that resident. Motion failed 3-5 (**Moore, Lawrence, Tully-Gerber, Domitrovic, Miller** opposed).

The board then voted on the first motion. Motion carried 7-1 (**Domitrovic** opposed).

Recommendation: The board approved changes to City Code prohibiting continuous tethering of dogs.

7. Modifications to the Animal Control Code – Inherently Dangerous Dog Breeds.

Jack Brown, Environmental Health, presented the proposed code changes to the inherently dangerous dog breeds. Mr. Brown explained that staff added additional language that is breed specific (Pit Bulls and Rottweilers). The proposed code changes would require that pit bulls, rottweilers, and mixes of those breeds be maintained in the same manner as dogs that have been declared dangerous. These standards include housing within a secure enclosure, posting of warning signs, and require muzzles on animals during transportation outside their secure enclosures. The proposed code would also require that the breeds specified be registered with the Environmental Health Department, have microchips implanted to facilitate identification, and that owners maintain liability insurance in the amount of \$200,000.

Dr. Laurie Mitchell, 765 West 46th Street North, Wichita Kennel Club representative, asked to address the board on this issue. Dr. Mitchell explained that she has been in veterinary medicine for 25 years and has worked for 13 years as a vet and has not come across any breed of dogs that do not have aggression. She added that the lack of socialization is what promotes aggression in dogs and it is the pet owner, not the dog that causes continued aggressive behavior. Dr. Mitchell recommended obedience training as well as pet therapy for dogs.

Several owners of pit bulls and rottweilers spoke in opposition to this ordinance citing: 1) unfair labeling of these specific breeds; 2) lack of consideration that the dogs are not the problem, but the owners are; 3) dog training should be a requirement, but not muzzling; 4) no problem with the ordinance, just the breed specific portion; 5) suggested that microchips and spade or neutering better option; and 6) it seems like the first ordinance of no chains would address this problem without labeling any dogs.

(Jack Brown's responses in italics)

Steve Roberts asked how many different breeds would fall into the mixes? *That portion of the ordinance would be very hard to enforce due to the cross mixes of so many different dogs.* **Gerald Domitrovic** asked if the statistics quoted were local or national stats? *Those are predominantly local stats concerning rottweilers and pit bulls.* **Tully-Gerber** asked if our current leash laws enforceable? *Yes, we have leash laws in place and fines have been issued.* Tully-Gerber added

that we have laws on the books now and we must be able to enforce the law when we are making changes.

Additional comments and suggestions were made concerning this issue. **Councilman Brewer** thanked the experts for their attendance and input.

Gerald Domitrovic (Moore) moved that this proposal be sent back to Environmental Health for additional study due to the broad nature of its contents.

Lori Lawrence commented that if DAB 1 sends this back for more study and the other districts make recommendations, the additional study probably would not occur.

Substitute motion:

Brown Foster (Thompson) moved to approve the proposed changes to the City code as submitted by Environmental Health. Motion failed 2-6 (**Domitrovic, Miller, Moore, Lawrence, Tully-Gerber, Porter Robinson** opposed).

The board then voted on the first motion. Motion failed 3-5 (**Miller, Lawrence, Porter Robinson, Tully-Gerber, Thompson** opposed).

Lawrence (Coleman) moved to approve the proposed changes to the City code, deleting Section 6.04.05, which eliminates the dog specific breed.

Discussion: (*Jack Brown's responses in italics*)

Debby Moore asked where would the muzzle and insurance requirements come into play? *Any dog declared dangerous would have to wear a muzzle.* **Debra Miller** asked if the changes were made to address breed specific dogs as opposed to dangerous dogs? *Those specific breeds were identified locally and nationally, however, this would also apply to any dog that is deemed dangerous.* **Steve Roberts** commented that many of the additions could be added without specifying the breed.

The motion failed 3-5 (**Thompson, Moore, Porter Robinson, Tully-Gerber, Brown Foster** opposed).

Recommendation: No recommendation will be submitted on this agenda item due to the board's inability to agree upon a motion.

Planning Agenda

No items submitted

Unfinished Business

No items submitted

New Business

No items submitted

General Comments/Announcements

- District I Coalition Meeting will be August 2, 2003, Cisro's Restaurant.
- Next meeting of DAB I will be August 4, 2003.

Being no further business, **Tully-Gerber (Brown Foster)** made a motion to adjourn. Motion carried 8-0.

The meeting adjourned at 10:10 p.m.

Respectfully Submitted By,

Virdena Gilkey
Neighborhood Assistant
Adjourn